

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/647,977

Confirmation No. 2832

Applicant: KUBAN, Barry D.

Filed: August 25, 2003

TC/AU: 3768

Examiner: Jacqueline Cheng

Docket No.: 260829 (Client Reference No. 5009US)

Customer No.: 23460

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed August 6, 2009, rejecting the following claims: 1, 3-14, 16-19, 21-26, 28-37 and 39-47.

1. Pre-Appeal Brief Request for Review

A "Pre-Appeal Brief Request for Review"

☐ is filed concurrently herewith or ☒ is not being filed.

2. Status of Applicants

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

3. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:

☐ other than a small entity or ☒ a small entity.

Notice of Appeal Fee due \$270.00

- ☐ A Notice of Appeal Fee was previously paid with respect to an earlier Appeal, on which no final Board decision was rendered, and the amount previously paid is hereby deducted from the Notice of Appeal Fee submitted herewith.

Amount of Previously Paid Notice of Appeal Fee (\$0.00)

Total Amount of Notice of Appeal Fee Submitted Herewith \$0.00

4. Fee for Requesting Oral Hearing

Pursuant to 37 CFR 41.20(b), the fee for filing the Request for Oral Hearing is for:

- ☐ other than a small entity or ☐ a small entity.

Fee for Requesting Oral Hearing due \$ 0.00

- ☐ A fee for requesting an Oral Hearing was previously paid with respect to an earlier Appeal, on which no final Board decision was rendered, and the amount previously paid is hereby deducted from the Fee for Requesting Oral Hearing submitted herewith.

Amount of Previously Paid Fee for Requesting Oral Hearing (\$0.00)

Total Amount of Fee for Requesting Oral Hearing Submitted Herewith \$0.00

5. Extension of Time

- ☐ Appellants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$ 0.00.
- ☒ Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$ 0.00

6. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$270.00
Request for Oral Hearing	\$0.00
Extension Fee (if any)	\$ 0.00

Total Fee Due: \$270.00

7.

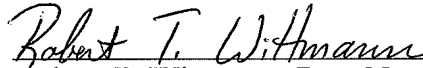
Fee Payment

- ☐ Attached is a check in the sum of \$.
☒ Charge Account No. 12-1216 the sum of \$270.00.

8. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,


Robert T. Wittmann, Reg. No. 54,549
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza
180 North Stetson Ave., Suite 4900
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: November 6, 2009
Appeal Notice (Revised 09/30/2009)